

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: Jennifer Steingasser, Deputy Director

DATE: November 28, 2012

SUBJECT: Extension Request – Design Review #10-12A – Q Street, SW Hostel and Hotel

Office of Planning (OP) Recommendation	Approval
Applicant	Tiber Creek Associates, LLC
Address	129 Q Street, SW
Ward / ANC	Ward 6; ANC 6D
Project Summary	A hybrid of a hostel and hotel – 109 rooms and about 489 beds; Design review approval plus rooftop structure and parking special exception relief.
Date of Order Issuance	November 12, 2010
Date of Order Expiration	November 12, 2012
Requested Expiration for Order	November 12, 2014

EVALUATION OF THE EXTENSION REQUEST

The original application was approved pursuant to the guidelines of Chapter 16, the Capitol Gateway Overlay, which is silent on the matter of time extensions. The current application argues that extensions could be granted under the rules for the Board of Zoning Adjustment, stated at § 3130.6, as the original application included special exception relief. Also, the design review under Chapter 16 is established as a special exception review process. OP agrees with the Office of the Attorney General's (OAG's) opinion that the applicant's suggested review parameters for the time extension are appropriate.

Section 3130.6 allows for the extension of the approval period for “good cause” shown upon the filing of a written request by the applicant before the expiration of the approval, provided that the Board, or in this case the Zoning Commission, determines that the following requirements are met:

- (a) **The extension request is served on all parties to the application by the applicant, and all parties are allowed thirty (30) days to respond.**

The application submitted to the Zoning Commission is dated October 12, 2012 and has been in the public record since filing. Also, the application materials indicate that the application was served to all parties.

- (b) **There is no substantial change in any of the material facts upon which the Board based its original approval of the planned unit development that would undermine the Board's justification for approving the original application.**

There have been no substantial changes to the facts upon which the Commission based its original decision. The Comprehensive Plan and Zoning Regulations that govern the site and the approved project are unchanged. There have been no substantial changes to the neighborhood immediately surrounding the proposed project.

- (c) **The applicant demonstrates that there is good cause for such extension, with substantial evidence of one or more of the following criteria:**
- (a) **An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant's reasonable control;**
 - (b) **An inability to secure all required governmental agency approvals by the expiration date of the Board's order because of delays that are beyond the applicant's reasonable control; or**
 - (c) **The existence of pending litigation or such other condition, circumstance or factor beyond the applicant's reasonable control.**

The application demonstrates that circumstances beyond the control of the applicant have delayed construction of the project. The lead partner in the applicant team passed away, and the settlement of his estate is not yet complete. The applicant states that because of these circumstances it was difficult to obtain financing for the project. According to the written statement, financing during the economic downturn would be especially difficult for a hotel in a "transitional" part of the city. The Office of Planning finds that the application has demonstrated that there is good cause for a timeline extension and recommends approval.

PHOTO OF SITE



2012 Aerial Photo

JS/mrj
Matt Jesick, Project Manager